

1 The Executive Council recommends this resolution be sent to a committee of the General Synod.

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3 Resolution Calling on President Barack Obama to Revisit and Re-negotiate a
4 More Humane, Democratic, and Ecologically Sound Version of the
5 North American Free Trade Agreement
6

7 **A Resolution of Witness**

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15
16 **Summary:**

17 The North American Free Trade Agreement (NAFTA) was signed into law on January 1, 1994.
18 Over the next 15 years the US lost nearly a million jobs that would otherwise have been created;
19 many more saw salaries flatten or decline to keep from losing jobs. The losses were similar but
20 smaller in Canada. In Mexico, the hardest hit, hundreds of thousands of poor, mainly indigenous,
21 farmers not only lost jobs but also their homes, creating untold numbers of homeless people
22 and broken families. Some took up arms, some found work in sweat shops, some came to the US
23 looking for work and some moved to the beaches to sell Chiclets and tee shirts. Immigration into
24 the US of poor and hungry Mexicans exploded. A GAO study in 2006 reported the number of
25 deaths along the US Mexican border have doubled since NAFTA and grows every year.¹
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27 Many others have grown concerned over the Chapter 11, “Investor Protection Provisions”
28 because they allow private investors to force changes in other countries’ public policy by suing
29 them in a closed-door tribunal that stands above the courts and legislatures of the three countries.
30 For example, Ethyl Corporation of Virginia sued Canada in the NAFTA Tribunal because it
31 passed laws banning a gasoline additive that Ethyl produced and wanted to sell in Canada.
32 Canada lost and had to pay Ethyl \$13 million in damages. Metalclad Corporation of the US sued
33 Mexico because a small town in Mexico passed a ruling banning the company from building a
34 hazardous waste site near the town. Mexico lost and had to pay \$16.7 million in *potential*
35 damages. And so on.
36

37 During the 2008 presidential campaign, candidate Barak Obama (and others) spoke out strongly
38 against some of NAFTA’s worst aspects, especially on labor and the environment, and he
39 promised to revisit the agreement when in office. However, it is a growing concern among
40 human rights, labor, and faith communities that a combination of the global financial crisis,
41 pressure from pro-NAFTA business interests, and pro-NAFTA members in his cabinet, will push
42 President Obama to keep NAFTA off of his programmatic agenda.
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44 The purpose of this resolution is to express the will of the delegates to General Synod XXVII
45 that President Obama stay the course in his pledge to strengthen NAFTA in its democratic
46 principles, and in its Labor and Environmental side agreements.
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48 **Theological Biblical Background**

49 The Bible is not a handbook on trade theory, but it does carry examples of how unregulated,
50 unfettered trade can cause economic disparities, oppression, and ecological damage. When
51 Hebrew people first settled in Canaan in the early twelfth millennium, they were among the most
52 egalitarian peoples of the world. Their social model was based on a covenant with one another
53 and with God, and their ethic was based on liberation from slavery (Deut. 5:15). All land was
54 owned in common, and ultimately owned by God. No one was truly poor (at least not the
55 blaming, punishing poor that we know today); their first history of themselves, Genesis, did not
56 even contain the words “poor” or “poverty.” However, their land laid at the crossroads of major
57 trade routes and they eventually—especially North Israel—became involved in international
58 trade through its proximity with Phoenicia and its major import-export cities, Tyre and Sidon.
59 The more they participated in unregulated, unguided trade with the outside world, the more
60 income disparities and oppression grew. Over the next four centuries, an emerging aristocracy
61 stole communal lands from the poor (and from God) and made fortunes growing export crops to
62 sell through international trade agreements with Phoenicia, Assyria, Carthage, Egypt, and Italy
63 (see 1 Kings 21; Ezekiel 27:3-28). A legal regulatory framework was created (first in Exodus 21-
64 23, then later Deuteronomy 15 and Leviticus 25) to distribute the wealth within the nation but the
65 regulators were not able to regulate and poor farmers lost everything. Some fell deep into debt.
66 Others were made homeless and became refugees. Many became slaves on the farms they once
67 owned. What were once communal landholdings became a few giant plantations and hundreds of
68 tiny subsistence plots. “Woe to him...who says, ‘I will build myself a spacious house with large
69 upper rooms’...who makes his neighbors work for nothing, and who does not give them their
70 wages” (Jeremiah 22:14,13). The environment was damaged. Forests were torn down, rivers
71 were polluted in the rush to build, grow, and export. “The earth dries up and withers. The world
72 languishes and withers.... The earth lies polluted under its inhabitants; for they have transgressed
73 laws, violated the statutes, broken the everlasting covenant” (Isaiah 24:4-5, cf. Jer. 9:10; 12:4,
74 10-11; 23:10).
75

76 In the eighth century B.C.E., prophets burst on the scene condemning the criminals who thrived in
77 this system and their flaunting of the covenant with Yahweh. With words that were often harsh
78 and angry, they restated the covenant: With a mighty arm and outstretched hand I rescued you
79 from slavery in the flesh pots of Egypt, and now you are to rescue others: the poor, the widow,
80 orphan, the homeless, the debt slave, the alien, the oppressed. But you didn’t do it (Deuteronomy
81 5:15, Jeremiah 22:3, etc.).
82

83 But they also projected what life would look like when Yahweh’s economy of covenant values
84 and justice people would once again reign on earth. Isaiah prophesied that in that time the unjust
85 merchants of Tyre would still make money but “[its] wages will be dedicated to the LORD; [its]
86 profits will not be stored up or hoarded, but [its] merchandise will supply abundant food and fine
87 clothing for those who live in the presence of the LORD” (Isaiah 23:17-18). The markets would
88 still work but for justice and not corruption (Amos 9:14). The royalty of Israel would still build
89 houses, but not with the use of slaves (Isaiah 65:21-22; cf. 62:8-9). The economically

90 marginalized would be protected, “they shall sit under their own vines and under their own fig
91 trees, and no one shall make them afraid” (Micah 4:4).

92
93 While their situation is different from ours, this resolution attempts to stand in the tradition of the
94 Hebrew prophets, and speak from their theology of the unity of all of creation in God.
95 Economics in that theology are the economics of family. Immigrants are not strangers out to take
96 our jobs, but our cousins who are in need of help. Trade policies are not tools to benefit the rich
97 at the expense of the poor, but opportunities to help the whole of society as one.

98
99 A fair assessment today is to say that while critics believe an enormous amount of damage has
100 been caused by it, even many supporters believe that it has been a disappointment and are
101 surprised at the amount of hardship it created for some sectors of our three economies. This
102 resolution takes the position that even if the hardships created were minor (which is not
103 supported by the data), it is the role of Christians to support economic policies that heal and not
104 harm, that reconcile and not alienate, that lift up and not destroy.

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106 **Text of the Resolution**

107 WHEREAS numerous General Synod resolutions have sought to support a more just national
108 and international economic system, including “Justice in the *Maquiladoras*” (Eighteenth General
109 Synod, 1991), “In Support of International Fair Trade” (Nineteenth General Synod, 1993),
110 “Affirming Democratic Principles in an Emerging Global Economy” (Twenty-first General
111 Synod, 1997), “Ending the Stranglehold of Global Debt on Impoverished Nations” (Twenty-
112 second General Synod, 1999); and “Resolution Calling For A More Just, Humane Direction For
113 Economic Globalization” (Twenty-third General Synod, 2001); “For the Common Good”
114 (Twenty-fifth General Synod, 2005), and

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116 **WHEREAS** numerous General Synod resolutions have called for a more democratic and
117 humane relationship between the US and Mexico, including, “A Call for a More Humane U.S.
118 Immigration Policy: End Migrant Deaths; Support Immigrant Communities” (Twenty-sixth
119 General Synod, 2007); “Emergency Resolution to End the Death of Migrants on the United
120 States-Mexico Border by Offering Water in Christ’s Name”(Twenty-third General Synod, 2001);
121 and “Border Justice Issues: A Challenge for the 21st Century Church” (Twenty-second, 1999),
122 and

123
124 **WHEREAS** on January 1, 1994, amid major opposition and protests in Canada, the US, and
125 Mexico, the North American Free Trade Agreement (NAFTA) came officially into effect for our
126 three countries—and the next day the Zapatista rebel movement was launched to protest it, and
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128 **WHEREAS** the treaty was written ostensibly to lower trade barriers, subsidies, tariffs, and
129 duties, and further integrate the economies of Canada, the US and Mexico in order to create a
130 “level playing field” for trade and finance throughout the three countries, but in reality it
131 contained many other provisions which have damaged homes, families, jobs, livelihoods, the
132 environment, and potentially even our democracy,² and

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134 **WHEREAS** the treaty also set up a nontransparent judicial system that stands above our three
135 democratically elected governments which has the power to override our individual laws and

136 courts, and in which corporations (but not individuals) can sue countries if their legislatures pass
137 laws which they perceive will cost them future profits, as for example when the Delaware firm,
138 Metalclad was prevented by a vote of the town council of Guadalupe, Mexico, from building a
139 toxic waste treatment center in their town, but Metalclad successfully sued the government of
140 Mexico in the NAFTA tribunal, arguing that the democratically elected council did not have the
141 authority to ban construction of the waste dump that could have made them a profit, and was
142 paid by the Mexican government \$15.6 million in future damages,³ and

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144 **WHEREAS** the treaty was first proposed as something that would dramatically raise
145 employment and living standards in all three countries, but in reality contributed to major job
146 losses and either declines or flattened incomes in all three countries (in the US because workers
147 couldn't compete with Mexico's lower worker incomes, and in Mexico because farmers couldn't
148 compete with the US' subsidized agricultural products),⁴ and

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150 **WHEREAS** the damage to Mexican farmers and low income workers contributed to a massive
151 increase in immigration north to the US looking for work, which then led to US policies that
152 expended millions of dollars in fences and surveillance along the border and thousands of tragic
153 Mexican deaths in the deserts,⁵ and

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155 **WHEREAS**, the treaty claimed to uphold labor rights and protect the environment through "side
156 agreements" which established oversight panels, in reality they were poorly funded and had
157 weak enforcement powers (and frequently weak desires by appointees to enforce what powers
158 they had)⁶ and

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160 **WHEREAS** the scriptures are replete with stories of our ancestors immigrating to foreign
161 countries looking for food and work during times of economic hardship (Ruth and Naomi,
162 Abraham, Joseph's brothers, etc.), and of the Israelites themselves welcoming in the "resident
163 aliens," "foreigners," and "sojourners and strangers" (Exodus 22:21, Leviticus 19:34, etc.), and

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165 **WHEREAS** the Hebrew scriptures abound with judgments on those who would oppress others
166 through economic means and who had no compassion on the homeless, the indebted, the jobless,
167 and the stranger (Exodus 23:6; Jeremiah 22:3, etc.), and

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169 **WHEREAS** in the Christian scriptures the Apostle Paul challenged those who were once "aliens
170 from the commonwealth of Israel, and strangers to the covenants of promise," but who now had
171 found the oneness of God through Jesus Christ and were no longer "far off" but instead "brought
172 near" because "in his flesh he has made both groups into one and has broken down the dividing
173 wall, that is, the hostility between us," and created "in himself one new humanity in place of the
174 two, thus making peace...putting to death that hostility through it" making us all "citizens with
175 the saints and also members of the household of God." (Eph 2:11-20), and

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177 **WHEREAS** during the 2008 presidential campaign, candidate Barack Obama (and others) came
178 out strongly in support of the revisiting and revisioning of NAFTA, to bring it more into line
179 with our proclaimed values of respect and concern for the rights and dignity of all human beings
180 and of love and care in the stewardship of all the earth, as, for example, in a speech in February,
181 2008, when he said, "I will not sign any trade agreement as President that does not have

182 protections for our environment and protections for American workers, and I'll pass the Patriot
183 Employer Act that I've been fighting for ever since I ran for the Senate so we can end tax breaks
184 for companies that ship our jobs overseas, and give those breaks to companies that create good
185 jobs with decent wages here in America,"⁷ or in an interview with the *Chicago Tribune* in
186 September 2004, "As part of any current or future trade agreement negotiations, our nation must
187 address the dislocations caused by expanded global trade by maintaining workers' basic benefits
188 and helping them retrain,"⁸ and

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190 **WHEREAS**, economists, social justice organizations, churches, human rights groups,
191 environmental groups, and labor unions have called for the leaders of the three nations to come
192 together and re-envision the treaty, especially in the areas of labor, the environment, and
193 protection of democratic principles, and

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195 **WHEREAS** numerous polls have shown that majorities of citizens of all three countries support
196 some level of reopening and renegotiation of NAFTA,⁹

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198 **WHEREAS** there are many powerful special interests and powerful individuals (both outside
199 and inside of the President's Administration) who are strongly against any conversation of any
200 kind about any changes in NAFTA,

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202 **THEREFORE BE IT RESOLVED** that the members of the Twenty-seventh General Synod of
203 the United Church of Christ voice their support for President Barack Obama's commitment to
204 work with the leaders of Mexico and Canada, to revisit and re-envision NAFTA in ways that
205 would,

- 206 1. strengthen its labor and environmental side agreements with greater funding and greater
207 enforcement powers,
- 208 2. revise its Chapter 11, "investor protection" provisions to shield the legislative and
209 judicial decisions of our three countries and to allow individuals and communities who
210 might be harmed by the effects of NAFTA (not just corporations) to participate in the
211 tribunal process, and
- 212 3. design a humane and coherent immigration policy, and

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214 **BE IT FURTHER RESOLVED** that the General Minister and President of the United Church
215 of Christ be requested to write a letter to the President expressing these concerns, concerns which
216 are shared by the majorities of citizens in all three of our respective countries, and

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218 **BE IT FURTHER RESOLVED** that the Justice and Witness Ministries and the Washington
219 DC Program Team be encouraged to work toward the passage through Congress of a revisited
220 and re-envisioned NAFTA, if and when that becomes appropriate legislatively, and to keep our
221 various churches and instrumentalities apprised of its progress and where we might be helpful in
222 its passage, and

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224 **BE IT FURTHER RESOLVED** that our various churches be encouraged to, whenever
225 possible, lift up in prayer, study, and worship the important issues of trade justice with countries
226 such as Mexico, to join with delegations and immersion programs to Latin America through our
227 own Centro Romero, or the Equal Exchange Interfaith Program, the Jubilee Justice Task Force,

228 Border Links, or other organizations, and to be advocates for just, fair, equitable trade policies
229 for poor and working class people in all three of our respective countries.

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231 **FUNDING**

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233 Funding for the implementation of this resolution will be made in accordance with the overall
234 mandates of the affected agencies and the funds available.

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236 **IMPLEMENTATION**

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238 Justice and Witness Ministries is requested to implement this resolution.

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¹ “Illegal Immigration: Border-Crossing Deaths Have Doubled Since 1995; Border Patrol’s Efforts to Prevent Deaths Have Not Been Fully Evaluated,” Report to the Honorable Bill Frist., Majority Leader, U.S. Senate, United States Government Accountability Office, August, 2006.

² Joseph E. Stiglitz, “The Broken Promise of NAFTA,” *The New York Times* (January 6, 2004), p. A27.

³ *Ibid.* Also see, Dave Marvin, “NAFTA shown to hurt land, farmers,” *Johns Hopkins Newsletter*, November 14, 2003, p. 1.

⁴ David Bacon, “Displaced People: NAFTA’s Most Important Product,” *NACLA: Report of the Americas*, Sep 3 2008. Also see Bacon, *Illegal People: How Globalization creates migration and criminalizes immigrants* (Boston: Beacon Press, 2008), p. 59.

⁵ “Illegal Immigration: Border-Crossing Deaths Have Doubled Since 1995; Border Patrol’s Efforts to Prevent Deaths Have Not Been Fully Evaluated,” Report to the Honorable Bill Frist, Majority Leader, U.S. Senate, United States Government Accountability Office, August, 2006.

⁶ *NAFTA Ten Years After: The Legacy of the North American Commission for Environmental Cooperation*, Roberto Sanchez- Rodriguez (Dept. of Environmental Sciences, University of California, Riverside, 2006), p. 2.

⁷ http://www.barackobama.com/2008/02/24/remarks_for_senator_barack_oba_1.php

⁸ www.factcheck.barackobama.com/factcheck/2008/06/18/

⁹ For polls concerning NAFTA in the US and Mexico, see, Marla Dickerson, “NAFTA has had its trade-offs for the U.S.” *LA Times* (March 03, 2008), A-1, available from <http://articles.latimes.com/2008/mar/03/business/fi-nafta3>. For polls in Canada, see, “Many Canadians Want to Renegotiate NAFTA,” *Angus Reid Global Monitor : Polls & Research*, July 22, 2008; available from http://www.angus-reid.com/polls/view/many_canadians_want_to_renegotiate_nafta/.